

SENATE BILL 3758

By Bunch

AN ACT to amend Tennessee Code Annotated, Title 50,
Chapter 2, Part 1, relative to payment of
employees in private employment.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 50, Chapter 2, Part 1, is amended by
adding a new section thereto, as follows:

Section 50-2-1__.

(a)

(1) Every employer shall, semimonthly or at the time of each payment of wages, furnish each of the employer's employees, either as a detachable part of a check, draft, or voucher paying the employee's wages, or separately when wages are paid by personal check, cash, or electronic transfer, an accurate itemized statement showing:

(A) Gross wages earned;

(B) Total hours worked by the employee, except for any employee whose compensation is solely based on a salary and who is exempt from payment of overtime;

(C) The number of piece rate units earned and any applicable piece rate if the employee is paid on a piece-rate basis;

(D) All deductions, provided that upon written agreement of the employee, all deductions may be aggregated and shown as one item;

(E) Net wages earned;

(F) The inclusive dates of the period for which the employee is paid;

(G) The name of the employee and the last four (4) digits of the employee's social security number, or an employee identification number other than a social security number;

(H) The name and address of the legal entity that is the employer; and

(I) All applicable hourly rates in effect during the pay period and the corresponding number of hours worked at each hourly rate by the employee.

(2) The deductions made from payments of wages shall be recorded electronically or in ink or other indelible form, properly dated, showing the month, day, and year, and a copy of the statement or a record of the deductions shall be kept on file by the employer for at least three (3) years at the place of employment or at a central location within this state.

(b) The information required by subsection (a) may be provided electronically if such method is agreeable to the employee.

(c) An employer that is required by this section or any rule or regulation adopted pursuant to this section to keep the information required by subsection (a) shall afford current and former employees the right to inspect or copy the records pertaining to that current or former employee, upon reasonable request to the employer. The employer may take reasonable steps to assure the identity of a current or former employee. If the employer provides copies of the records, the actual cost of reproduction may be charged to the current or former employee.

(d) An employer who receives a written or oral request to inspect or copy records pursuant to subsection (b) pertaining to a current or former employee shall comply with the request as soon as practicable, but no later than twenty-one (21) calendar days from the date of the request.

(e) This section does not apply to any employer of a person employed by the owner or occupant of a residential dwelling whose duties are incidental to the ownership, maintenance, or use of the dwelling, including the care and supervision of children, or whose duties are personal and not in the course of the trade, business, profession, or occupation of the owner or occupant.

(f) An employer may make payments of wages through direct deposit into an employee's bank account, provided that employees have the option of receiving payment by cash or check directly from the employer. An employer may provide for its employees to cash a check drawn against the employer's payroll deposit account, if the place where the check is to be cashed is convenient to the employee's place of employment and is without charge to the employee.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.